

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 18, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29⁴ must be filed by April 28, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 8, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Robert T. Opal, 165 North Canal St., Chicago, IL 60606-1551.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

C&NW has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 21, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 11, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

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[Docket No. AB-1 (Sub-No. 258X)]

Chicago and North Western Railway Company—Abandonment Exemption—in Dane County, WI

Chicago and North Western Railway Company (C&NW) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 2,100 feet of its line of railroad known as the Central Soya Spur extending from milepost 89.9 to a point 1,320 feet west of McKee Road near Madison, in Dane County, WI.¹

C&NW has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (service of environmental report on agencies), 49 CFR 1105.8 (service of historic report on State Historic Preservation Officer), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (service of verified notice on governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 18, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,²

¹ C&NW states that the involved line segment is an unused industrial spur and that the track was formerly part of a longer C&NW line. It cites *The Atchison, Topeka and Santa Fe Railway Company—Abandonment Exemption—In Lyon County, KS*, Docket No. AB-52 (Sub-No. 71X) (ICC served June 17, 1991) for the proposition that Commission approval is required for abandonment of the track because of its prior main line status.

² A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on

formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29⁴ must be filed by April 28, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 8, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Robert T. Opal, Senior Commerce Counsel, Chicago and North Western Railway Company, 165 North Canal Street, Chicago, IL 60606-1551.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 21, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 11, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

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[Docket No. AB-383 (Sub-No. 2X)]

Wisconsin & Southern Railroad Co.—Discontinuance of Operations Exemption—Dodge County, WI [Docket No. AB-343 (Sub-No. 3X)] Wisconsin Department of Transportation—Abandonment Exemption—Dodge County, WI

On the Commission's own motion, Docket No. AB-383 (Sub-No. 2X) is

environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request before the effective date of this exemption.

³ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

⁴ The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

² A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

³ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

⁴ The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

reopened for the purpose of exempting Wisconsin Department of Transportation's (WisDOT) abandonment of, and Wisconsin & Southern Railroad Co.'s (WSOR) discontinuance of service over, the 1.3-mile Beaver Dam Loop between mileposts 149.0 and 150.3 in Beaver Dam, Dodge County, WI.¹

WisDOT and WSOR certify that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in complainant's favor within the last 2 years; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 and 1152.50(d)(1) (notice to government agencies), and 49

¹ WisDOT acquired the involved line, among others, under §5(b)(2) of the Milwaukee Railroad Restructuring Act in *State of Wisconsin—Acquisition of Certain Lines of Chicago, Milwaukee, St. Paul and Pacific Railroad Company*, Finance Docket No. 29237 (ICC served Feb. 1, 1980). WSOR was authorized to operate the involved line, among others, in *Wisconsin and Southern Railroad Co.—Operation—Of a Line of Railroad in Dodge, Fond du Lac, Green Lake, Columbia, Milwaukee, Washington, Waukesha, and Winnebago Counties, WI*, Finance Docket No. 29375, et al. (ICC served Nov. 5, 1980).

WSOR initiated this proceeding on April 18, 1994, by filing a verified notice under the Commission's class exemption procedure at 49 CFR Part 1152, Subpart F—*Exempt Abandonments and Discontinuances* to abandon the involved line. WSOR's notice was rejected because the only entity that lawfully could abandon the line was WisDOT, which owned the line and had a residual common carrier obligation with respect thereto. *Wisconsin & Southern Railroad Co.—Abandonment Exemption—In Dodge County, WI*, Docket No. AB-383 (Sub-No. 2X) (ICC served June 22, 1994).

On February 7, 1995, WisDOT tendered a petition under 49 U.S.C. 10505 for an exemption from Subtitle IV of Title 49 of the United States Code to abandon the involved line. By letter filed April 6, 1995, WSOR requests permission to participate for the purpose of exempting its discontinuance of operations over the involved line. The WisDOT pleading is accepted for filing as a verified notice under the class exemption. The involved line qualifies for treatment under those rules.

Because WisDOT proposes to abandon the involved line, the only exemption it requires is from 49 U.S.C. 10903. Lines such as the Beaver Dam Loop that have been out of service for 2 years or more have been exempted from 49 U.S.C. 10903 by rule in Subpart F. The exemption is invoked by filing a notice. WisDOT's filing meets all of the requirements of such a notice. Adequate notice to government agencies and to the public has already been provided by WSOR. An exemption from Subtitle IV would be appropriate if WisDOT would be subject to any other provision of the Interstate Commerce Act in the future, but that is not the case. WisDOT reiterates its belief that it is not subject to the Commission's jurisdiction, but notes that it is not seeking a rehearing of that issue but rather an exemption for abandonment of the line.

CFR 1105.12 (newspaper publication) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether employees are adequately protected, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

This exemption will be effective May 18, 1995, unless stayed or a statement of intent to file an offer of financial assistance (OFA) is filed. Petitions to stay that do not involve environmental issues,² statements of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29⁴ must be filed by April 28, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 8, 1995. An original and 10 copies of any such filing must be sent to the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. In addition, one copy must be served on Allyn Lepeska, Wisconsin Department of Transportation, Office of General Counsel, Room 115 B, P.O. Box 7910, Madison, WI 53707, and Robert A. Wimbish, REA, CROSS & AUCHINCLOSS, Suite 420, 1920 N Street, N.W., Washington, DC 20036.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

The Commission's Section of Environmental Analysis (SEA) issued an environmental assessment of abandonment of the involved line on May 9, 1994. A copy of the EA may be obtained by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

² The Commission will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

³ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

⁴ The Commission will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

Decided: April 11, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

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Release of Waybill Data

The Commission has received a request from Illinois Central Railroad (IC) for permission to use certain data from the 1993 I.C.C. Waybill Sample. A copy of the request (WB472-4/06/95) may be obtained from the I.C.C. Office of Economic and Environmental Analysis.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to this request, they should file their objections with the Director of the Commission's Office of Economic and Environmental Analysis within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 927-6196.

Vernon A. Williams,

Secretary.

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DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

- (1) The title of the form/collection;
- (2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.
- (3) Who will be asked or required to respond, as well as a brief abstract;
- (4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
- (5) An estimate of the total public burden (in hours) associated with the collection; and,
- (6) An indication as to whether Section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this